

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 3, 7, 8, 11, 13, 15, 18, 20, 23, 26, 29, 32 and 34-37 are pending, with Claims 3, 18, 23, 26, 29, 32, 34, 36 and 37 amended, Claim 38 canceled and Claim 39 added by the present amendment.

In the Official Action, Claims 36 and 37 were rejected under 35 U.S.C. § 101; and Claims 3, 7, 8, 11, 13, 15, 18, 20, 23, 29, 32 and 34-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward et al. (U.S. Patent No. 6,798,997, hereinafter “Hayward” in view of Vallabh (U.S. Patent No. 7,054,832) and Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayward and Vallabh in view of Benjamin et al. (U.S. Patent No. 6,113,208, hereinafter “Benjamin”).

Claim 36 is amended as suggested in the Official Action to overcome the rejection under 35 U.S.C. § 101. Claim 3 is amended to clarify that Applicants’ “store purchase option” is an “in-store purchase and pick-up option.” Claims 23, 29, 32 and 34 are amended to maintain antecedent basis. Support for this amendment is found in Applicants’ originally filed specification.¹ No new matter is added.

Applicants note that the IDS of November 6, 2001 was only partially acknowledged. Applicants again request that all references cited in this IDS be formally acknowledged with the Examiner’s initials.

Briefly recapitulating, Claim 3 is directed to a print apparatus consumable purchase system including, *inter alia*, a controller for displaying a status screen for representing consumption degree of a consumable used with the print apparatus on a display and displaying one of a plurality of options concerning a purchase mode of the consumable in a

¹ Specification, page 40, line 13 – page 41, line 3.

status screen and an option calling button for calling the plurality of options in the status screen. The plurality of options includes a) a delivery purchase option represented by a corresponding delivery purchase button and b) an *in-store purchase* and pick-up option represented by a corresponding *in-store purchase* and pick-up button for acquiring a screen for providing dealer information.

Hayward describes an automatic supply ordering system for electronically ordering a consumable component or replaceable part in a marking machine. The system provides electronic identification of a condition of a replaceable component and automatically electrically sends an offer to purchase a replacement part upon identification of a threshold condition. Hayward includes a display screen that includes a “buy now” button that is activated when an ink level reaches a certain predetermined threshold.² In Hayward, the server 40 may forward an order to a supplier local to the user's location or the server 40 may process the order and ship directly to the user. Server 40 knows the address of the user from the purchase order. With pre-arranged contracts with networks of office supply retailers and mail order houses, server 40 is kept aware of the level of inventory on hand at the retailer, and can confirm availability before sending the shipment order to the retailer.³ However, Hayward does not disclose or suggest “an in-store purchase and pick-up option represented by ... an in-store purchase and pick-up button” as recited in Applicants’ amended independent Claim 3.

Vallabh describes a method of selling merchandise, whereby a seller receives an order from a customer for a previously purchased product to be picked up by the customer at a given location and preparing the product for customer pickup. In Vallabh, after the pickup or delivery information is entered by the user, a checkout page is generated by the system to confirm the order. *If the user accepts what is shown, he or she is charged for the products*

² Hayward Figure 4, column 7, line 54 through column 8, line 12, column 8, lines 32-53.

³ Hayward, column 8, lines 46-53.

ordered and the order is processed. The system of Vallabh electronically charges the customer based on information such as, e.g., credit card information previously provided to ***obviate the need for the costly and time-consuming processing of cash payments.***⁴

However, like Hayward, the purchase by Vallabh is a remote purchase, with the store pick-up being a pick-up of an item previously purchased via a remote terminal. In contrast, in Applicants' claimed invention, the item is merely reserved remotely, with the actual purchase transaction conducted at the store. In fact, by taking steps to "obviate the need for the costly and time-consuming processing of cash payments," Vallabh teaches away from Applicants' claimed "in-store purchase and pick-up option represented by ... an in-store purchase and pick-up button."

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicants submit that the Official Action does not present a *prima facie* case of obviousness because both Hayward and Vallabh fail to disclose all the features of Applicants' claimed invention.

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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⁴ Vallabh, column 7, lines 45-53.